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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re:) Chapter 13
11) Case No. 09-15463-mkn
RONALD E. SIMMS)
SANDRA A. SIMMS)
12 Debtor(s).) DATE: 9/30/09
TIME: 1:30 p.m.

13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, the Debtors, RONALD E. SIMMS and SANDRA A. SIMMS, by and
15 through their attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and
16 respectfully request this Court to deny the MOTION FOR RELIEF FROM THE
17 AUTOMATIC STAY filed by US BANK NATIONAL ASSOCIATION, by and through its
18 attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

19 **POINTS AND AUTHORITIES**

20 11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition
21 stay

22 "for cause, including the lack of adequate protection of an
23 interest in property of such party in interest;---"

24 11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

25 "with respect to a stay of an act against property under
26 subsection (a) of this section, if-

27 (A) the debtor does not have an equity in such
property AND

28 (B) such property is not necessary to an effective
reorganization

STATEMENT OF FACTS

Debtors' property has liens of approximately \$539,585.20 for the property located at 6572 Moss Agate Dr., Las Vegas, NV 89131, and the home is necessary for an effective reorganization. Debtors believe that they may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtors acknowledge that if they are late on the post petition mortgage payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors' intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtors request that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK
NARRAH F. NEWARK, ESQ.
NB#008201
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on September 14, 2009, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

US Bank
c/o Greg Wilde, Esq.
Wilde & Associates
208 S. Jones
Las Vegas, NV 89107
VIA FACSIMILE & ECF

Kathleen Leavitt, Trustee
201 Las Vegas Blvd., S #200
Las Vegas, NV 89101
VIA ECF

Ronald and Sandra Simms
6572 Moss Agate Dr.
Las Vegas, NV 89131

/s/ Betsy L. Smith
An employee of NEWARK & NEWARK LAW FIRM